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Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 WILLIAM CLINTON JONES,

17 Defendant.
18
19
20

No. 06-70585 HRL

STIPULATION AND ~~[PROPOSED]~~
ORDER EXCLUDING TIME

SAN JOSE VENUE

21 The undersigned parties respectfully request that the arraignment in the above-captioned case
22 be continued from October 19, 2006 to November 2, 2006. The government recently provided
23 discovery to Peter Leeming, and the parties are negotiating a pre-indictment resolution of the
24 case. Therefore, the parties request that the arraignment be continued in order for Mr. Leeming
25 to review the discovery and consult with the defendant. In addition, the parties request an
26 exclusion of time under Rule 5 of the Federal Rules of Criminal Procedure and the Speedy Trial
27 Act from October 19, 2006 to November 2, 2006. The parties agree and stipulate that an
28 exclusion of time is appropriate based on the defendant's need for effective preparation of

1 counsel.

2 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

3
4 DATED: _____

/s/
SUSAN KNIGHT
Assistant United States Attorney

5
6 DATED: _____

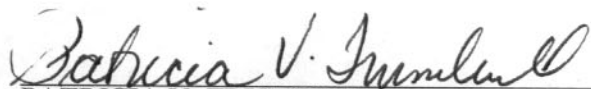
/s/
PETER A. LEEMING
Counsel for Mr. Jones

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9 Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is
10 continued to November 2, 2006 at 9:30 a.m. before the Honorable Richard Seeborg. Good cause
11 is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure
12 and 18 U.S.C. § 3060.

13 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
14 Speedy Trial Act from October 19, 2006 until November 2, 2006. The Court finds, based on the
15 aforementioned reasons, that the ends of justice served by granting the requested continuance
16 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
17 the requested continuance would deny defense counsel reasonable time necessary for effective
18 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
19 of justice. The Court therefore concludes that this exclusion of time should be made under 18
20 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

21 SO ORDERED.

22
23 DATED: 10/18/06


PATRICIA V. TRUMBULL
United States Magistrate Judge